

An Act to appropriate to Alexander Mitchell a certain sum of money.

Chap. 160.

*The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. There is hereby appropriated to Alexander Mitchell to be paid on or after the twentieth day of June next, out of any money in the treasury not otherwise appropriated, one thousand dollars principal and thirty-five dollars interest in full payment for principal and interest on Wisconsin, Milwaukee and Rock River Canal Loan number fifty-two.

Redemption of  
Canal Loan No.  
52.

SEC. 2. Upon payment of the above mentioned bond, it together with the accompanying coupons shall be surrendered to the State Treasurer and by him cancelled.

Bond to be can-  
celled.

FREDERICK W. HORN,

*Speaker of the Assembly.*

DUNCAN C. REED,

*President pro tempore of the Senate.*

Approved, March 8th, 1851.

NELSON DEWEY.

An Act to appropriate to Alexander Mitchell a certain sum of money.

Chap. 161

*The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows :*

SECTION 1. There is hereby appropriated to Alexander Mitchell the sum of seventy dollars in full payment for interest on Wisconsin, Milwaukee and Rock River Canal Loan number fifty-two, from the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-nine, to December twentieth, one thousand eight hundred and fifty, upon the surrender of the coupons attached to the same, out of any money in the treasury not otherwise appropriated.

For interest on  
Canal Bond No.  
52.

FREDERICK W. HORN,

*Speaker of the Assembly.*

DUNCAN C. REED,

*President pro tempore of the Senate.*

Approved March 8th, 1851.

NELSON DEWEY.

An Act licensing the sale of intoxicating liquors.

Chap. 162

*The People of the State of Wisconsin represented in Senate and Assembly, do enact as follows :*

SECTION 1. That the board of Supervisors of the several towns, and the board of Aldermen of any incorporated city and the board of Trustees of any incorporated village within this State, may at any regular or special meeting of the board,

Who may grant  
license to drink  
on the premises.

grant license to as many persons as they may deem proper, to keep groceries, saloons, shops or places of any name whatever, within the limits of their respective towns, cities, or villages for the sale of strong, spirituous, ardent or intoxicating liquors, to be drunk on the premises in a quantity less than one gallon. The sum to be paid for such license by the person applying therefor, shall be one hundred dollars, and the license so granted shall remain and be in force for and during the space of twelve months from and after the date thereof, unless sooner revoked by the board granting said license.

Who may grant license to sell by wholesale.

SEC. 2. The board of Supervisors, board of Aldermen or board of Trustees may also grant licenses to as many persons as they may deem proper, within the limits of their respective towns, cities, or villages to sell strong, spirituous, ardent or intoxicating drinks or liquors, in any quantity not less than one gallon; not to be drunk within their houses or on their premises. The sum to be paid for such license for wholesaling spirituous or intoxicating liquors or drinks, by the person applying therefor, shall be fifty dollars and such license shall be in force for the space of twelve months from the date thereof unless sooner revoked by the board granting the same.

License not to be issued till money is paid.

SEC. 3. The said license shall be sealed and attested by the town Clerk or the Clerk of the board of Aldermen, or the Clerk of the board of Trustees, (as the case may be), granting the same; but they shall in no case be issued to the applicant, until such applicant shall produce to the said Clerk, proper evidence, by receipt or otherwise that he has paid into the town, city or village treasury the sum of money herein before fixed and required to be paid therefor.

Bond to be given

SEC. 4. No license shall be granted under the provisions of this act, until the person applying therefor shall have produced and filed with the said town, city or village Clerk, a good and sufficient bond, in the penal sum of five hundred dollars, with two or more good and sufficient sureties who shall severally justify their responsibility over and above all debts and exemptions on oath, or affidavit, which oath or affidavit shall be attached to and filed with the bond which bond shall be executed to the town, city or village Treasurer, as the case may be, and when the sureties shall have so justified shall be approved by the board granting such license: Conditioned, That such applicant will during the continuance of his license keep and maintain an orderly and well regulated house, that he will permit no gambling with cards of dice, or any other device or implements used for that purpose within his grocery, shop, saloon or building of any name whatsoever kept by him, or within any out house, yard or shed appertaining to the same and that he will

Condition of Bond.

observe and obey all requirements of said board of Supervisors or board of Aldermen, or board of Trustees or any member thereof made in pursuance of this act.

SEC. 5. If any person shall vend, sell or in any way deal or traffic in or for the purpose of evading this act give away any spirituous, ardent or intoxicating liquors or drinks in any quantity whatsoever without first having obtained license therefor according to the provisions of this act, he shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished therefor by a fine of one hundred dollars and costs of suit, within twenty-four hours after the same have been imposed upon him, (during which time he shall remain in the custody of the officers) by imprisonment in the county jail of the proper county for the space of sixty days, unless he shall be discharged therefrom before the expiration of said term, by payment of the aforesaid fine, and all costs and jail fees occasioned by his prosecution and imprisonment.

Penalty for selling in violation of statute.

SEC. 6. Justices of the Peace shall have power to hold a court, to hear, try and determine, all offences against or growing out of, the provisions of this act, and arising within their respective counties: Provided, That the accused party shall not be deprived of a jury trial, nor of his right of appeal as in other cases of tort.

Justices to have jurisdiction.

Proviso.

SEC. 7. Upon complaint made to any Justice of the Peace by any person, that he knows, or has good reason to believe that offence against this act, or any violation thereof has been committed, he shall examine the complainant upon oath, and he shall reduce such complaint to writing, and cause the same to be subscribed by the person complaining. And if it shall appear to such Justice that there is reasonable cause to believe that such offence has been committed, he shall immediately issue his warrant, reciting therein the substance of such complaint, and requiring the officer to whom such warrant shall be directed, forthwith to arrest the accused, and bring him before such Justice, to be dealt with according to law; and the same warrant may require the officer to summon such persons as shall be therein named, to appear at the trial to give evidence.

When Justice to issue warrant for arrest.

SEC. 8. It shall be the duty of the District Attorney of the proper county, on notice given to him by the Justice of the Peace before whom any such complaint shall be made, or by the complainant himself, to attend the trial before such Justice, and to conduct the same on behalf of the State.

District Attorney to conduct the suit.

SEC. 9. It shall be the duty of each of the board of Supervisors of the town, and of every member of the board of Aldermen, and of every member of the board of Trustees, as also of every Justice of the Peace, Marshal, Deputy Marshal and Con-

What officers shall make complaint in certain cases.

stable of any town, ward or village, who shall know of his own knowledge, or be credibly informed that any offence has been committed against the provisions of this act, to report and make complaint against the person so violating any of the provisions thereof within their respective towns wards or villages, before some Justice of the Peace of their county, city or village; and if any such Supervisor, Alderman, Justice of the Peace, Trustee, Constable, Marshal or Deputy Marshal, shall neglect or refuse to report and make complaint of any violation or offence against this act, of which he shall have knowledge as aforesaid he shall be punished by fine in the sum of twenty-five dollars for each such neglect or refusal, to be collected in an action of debt, to be commenced by the Town Treasurer of the town, or the Treasurer of the board of Alderman, village or city against him therefor.

Penalty for neglect.

When certain officers may forbid the sale to certain persons for a year.

SEC. 10. When any person shall by excessive drinking of spirituous, ardent, or intoxicating liquors or drinks, so misspend, waste or lessen his estate or property, as thereby either to expose himself or his family to want or indigence, or the town, city, ward or village to which he belongs, to expense for the maintainance of himself or his family, or shall so habitually indulge himself in the use of spirituous, intoxicating or ardent liquors or drinks as thereby greatly to injure his health, or endanger the loss thereof, or to endanger the personal safety and comfort of his family, or any member thereof, the board of Supervisors of the town in which such spendthrift lives, or any member thereof, or the board of Aldermen of the city in which he lives, or any member thereof, or the board of Trustees of any village, or any member thereof, shall in writing under his or their hands, forbid all persons licensed under this act, to sell or give away to him any ardent, spirituous or intoxicating liquors or drinks of any kind, for the space of one year, and said boards or any member thereof, may in like manner forbid the selling of any such liquors or drinks to the said spendthrift by any licensed person of any other town or ward or city or village to which the spendthrift may resort for the same.

Prohibition may be renewed

SEC. 11. The said board of Supervisors, or board of Aldermen or Trustees, or any member of such boards shall, in the same manner, from year to year, renew such prohibition, as to all such persons, as have not, in their or his opinion, reformed within the year; and if any person licensed under the provisions of this act, shall, during such prohibition sell, or give away to any such prohibited person, any such ardent, spirituous or intoxicating liquors or drinks of any kind whatsoever, he shall forfeit for each offence the sum of fifty dollars, to be collected in an action by the town village or city Treasurer,

Fine for violation—how collected.

against such licensed person and his sureties, on his bond, in cases where such bond is given in pursuance of this act, or in cases where no bond is required or given, then in an action on the case against such licensed person, in the name of the town or village Treasurer as the case may be.

SEC. 12. When the sale or giving away of spirituous, intoxicating or ardent liquors or drinks, shall have been prohibited to any such spendthrift in pursuance of this act, if any person shall, with a knowledge of said prohibition, give, sell, purchase or procure for, or in behalf of such prohibited person, or for his use, any such liquors or drinks, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of fifty dollars, or in default of immediate payment of such fine when legally imposed, to imprisonment in the county jail for the space of thirty days, unless sooner discharged by payment of such fine and all costs and fees up to the date of his discharge.

Further penalty  
by imprison-  
ment.

SEC. 13. Upon any complaint made in writing under oath, by any two respectable persons, residents of the town village or ward in which any licensed person may keep his shop, grocery, saloon or place for the sale of any liquors or drinks under the provision of this act, and upon filing the same with the Clerk of the town, city or village setting forth therein, that any such licensed person keeps or maintains a disorderly, riotous, indecent or improper house; or that he suffers, allows or permits gambling in his house with cards, dice or with any device or implements or in any manner whatever, the board of Supervisors or the board of Aldermen or by the board of Trustees (as the case may be), shall issue their summons, under the hand of their Clerk, directed to any Constable of the town, city or village, commanding the person so complained of to be and appear before such board, on a day certain to be therein named, (which day shall not be less than three nor more than ten days) to shew cause why his license shall not be immediately revoked and cancelled.

What Board  
may issue sum-  
mons upon com-  
plaint.

SEC. 14. If such accused person shall not appear as required by the summons mentioned in the foregoing section to shew cause in answer to such complaint, the board issuing the same shall take such complaint and the charges therein made to be true, and if they shall deem the allegations contained in said complaint to be sufficient, they shall immediately cause said license by them before granted to be wholly revoked and annulled, which action of the board shall be entered by their clerk on the books or journal of the board, and they shall cause proper notice to be given to the person whose license shall be so revoked. But if such person shall appear, he shall be

When license is  
revoked notice  
to be given.

Defendant may traverse statements.

allowed to traverse and deny the matters charged in such complaint, and upon such issue made each party shall be allowed to produce witnesses as in other cases, and to be heard by council. If upon such hearing the board shall find the complaint to be true, they shall immediately revoke the license theretofore granted to the accused party; but if they shall find the same not to be true, after proofs adduced, they shall discharge the person complained of free of all costs, and the cost shall be paid by the persons making such complaint, for the payment of which costs, said board shall take good and sufficient security of the complainants, before issuing their summons as aforesaid. Provided, that in no case where such license shall be revoked and taken away from any person, shall it be lawful for such board to grant another license to the same person within the time of twelve months from the date of such revocation and provided further, that no part of the money paid by such person for the license so revoked shall be refunded to him.

When complainant shall pay costs.

Proviso.

When Supervisors may grant license.

SEC. 15. The Board of Supervisors of any town, may grant licenses to sell intoxicating or spirituous liquors, or drinks in any quantity less than one gallon, to such persons as keep houses of public entertainment, on any public highway, for the benefit and accommodation of travelers, in such cases as the said Board shall deem the granting of such license expedient and proper. The sum to be paid for such license shall not be less than thirty dollars, nor more than fifty dollars, according to the discretion of said Board, and before the same shall be granted to any person, he shall make and file with the Clerk of the town, a written affidavit that he is keeping a house of public entertainment for travelers, commonly known as a tavern or hotel, and that he desires such license only for the reason that he is keeping such house of public entertainment, and for the accommodation of the traveling public: Provided, That no such license shall be granted until the applicant shall have executed, produced and filed his bond in accordance with section four of this act, and that he shall be, in all respects, subject to the several requirements and penalties hereinbefore made, in the same manner as other licensed persons:

Applicant shall file affidavit with Clerk.

Proviso.

Moneys realized to be applied to support of the poor.

SEC. 16. All moneys derived from licenses granted under this act, shall be kept separate and distinct from other moneys by the town, city or village Treasurer, and the same shall be applied solely for the purpose of defraying the pauper expenses of such town, city or village, unless the amount received shall exceed the sum required for such objects, in which case, the remainder shall be placed in the general treasury of the city, town or village, and appropriated in the same manner as other

moneys: Provided, however, that in counties where the county system of supporting paupers has been adopted, said monies shall be placed in the general treasury of the city, town or village, and appropriated in the same manner as other monies. Provide.

SEC. 17. This act shall take effect from and after the first day of June next, and chapter 29 of the Revised Statutes, and the act amendatory thereof, approved February 8, 1850, are hereby repealed: Provided, That this act shall in no wise affect any prosecution already commenced, or right accrued under the laws hereby repealed. Provide.

FREDERICK W. HORN,  
*Speaker of the Assembly.*  
DUNCAN C. REED,  
*President pro tempore of the Senate.*

Approved, March 8th, 1851.  
NELSON DEWEY.

An Act to amend Chapter sixty-five, Section seventeen, of the Revised Statutes, providing for the sale of lands by Administrators, Executors and Guardians.

Chap. 163

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That chapter sixty-five, section seventeen shall be, and hereby is so amended as to to authorise the Probate or County Courts of this State, in their discretion, to authorise an administrator, executor or guardian to have or cause the lands which he or they may be authorised by said Court to sell, appraised by three disinterested freeholders in the county in which such lands lie, under oaths, administered by any person authorised to administer oaths, which oaths and appraisal shall be certified to in the usual form, and be filed in the Court from which the said license was issued, and the administrator, executor or guardian, so licensed, shall offer the same at public vendue and if after due notice thereof, no bid shall be made of a larger sum than that at which it is so appraised such administrator, executor or guardian so licensed may sell such lands so appraised at private sale, at a price not less than the appraised value, or if not so sold within one year they may be sold at public vendue. Probate Courts may authorise appraisal of lands by persons qualified.  
Administrator may sell at appraised value.

SEC. 2. That in case the said Probate or County Courts shall so license to sell at public sale, the same notices shall be given as is now required by law to be given. When notice to be given.

FREDERICK W. HORN,  
*Speaker of the Assembly.*  
SAMUEL W. BEALL,  
*Lt. Governor and President of the Senate.*

Approved March 8th, 1851.  
NELSON DEWEY.